

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
PHILIP E. DeBLASIO,

Plaintiff,

-against-

POLICE OFFICER NIEVES, et al.,

Defendants.
-----X

No. 18-CV-9360 (AT) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

On December 18, 2020, the *pro se* Plaintiff submitted an application requesting appointment of counsel. In determining whether to grant a request for counsel, the Court must consider

the merits of plaintiff's case, the plaintiff's ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff's ability to gather the facts and deal with the issues if unassisted by counsel.

Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). As a threshold matter, plaintiff must demonstrate that his claim has substance or a likelihood of success in order for the Court to grant plaintiff's request for counsel. *See Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986).

Having reviewed Plaintiff's application and given the proceedings to date, it is hereby ORDERED that Plaintiff's request for counsel is granted in part for the limited purpose of assisting him in discovery in this case. The Court advises Plaintiff that there are no funds to retain counsel in civil cases and the Court relies on volunteers. Due to a scarcity of volunteer attorneys, a length period of time may pass before counsel volunteers to represent Plaintiff.

This Court will pause matters for 60 days, in order to see if counsel can be obtained. If an attorney volunteers, the attorney will contract Plaintiff directly. There is no guarantee, however, that a volunteer attorney will decide to take the case, and in such circumstances, Plaintiff would have to proceed with the case *pro se*. Of course, if an attorney offers to take the case, it is entirely Plaintiff's decision whether to retain that attorney or not.

IT IS FURTHER ORDERED that the Pro Se Office of this Court seek a limited appearance Pro Bono counsel for this Plaintiff.

The Clerk of Court is respectfully directed to close ECF 67 and to serve a copy of this Order on the *pro se* Plaintiff.

SO ORDERED.

Dated: March 1, 2021
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge